

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

277H0364

## SENATE BILL NO. 121

Introduced by: Senators McCracken, Bogue, Brown (Arnold), Cradduck, de Hueck, Duxbury, Hutmacher, Koetzle, Madden, McIntyre, Moore, Sutton (Dan), Symens, Vitter, Volesky, and Whiting and Representatives Madsen, Adelstein, Broderick, Brown (Jarvis), Burg, Flowers, Fryslie, Gillespie, Hanson (Gary), Jensen, Kloucek, Kooistra, Lange, McCaulley, McCoy, Monroe, Pummel, Rhoden, Sutton (Duane), Valandra, Van Gerpen, Van Norman, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the family exclusion  
2 for auto insurance coverage.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-35-70 be amended to read as follows:

5 32-35-70. An owner's policy of liability insurance referred to in § 32-35-68 shall insure the  
6 person named ~~therein~~ in the policy and any other person as insured, using any insured vehicle or  
7 vehicles with the express or implied permission of the named insured, against loss from the  
8 liability imposed by law for damages arising out of the ownership, maintenance, or use of the  
9 vehicle or vehicles within the United States of America or the Dominion of Canada, subject to  
10 limits exclusive of interests and costs, with respect to each insured vehicle, as follows:  
11 twenty-five thousand dollars because of bodily injury to or death of one person in any one  
12 accident and, subject to the limit for one person, fifty thousand dollars because of bodily injury  
13 to or death of two or more persons in any one accident, and twenty-five thousand dollars



1 because of injury to or destruction of property of others in any one accident. If the policy  
2 complies with the filing and form requirements of Title 58 and has been approved by the Division  
3 of Insurance, the driver and owner has complied with this chapter. The policy may exclude  
4 liability coverage if the policyholder certifies in writing that the vehicle will not be operated  
5 during the policy period. The policy may exclude or limit coverage pursuant to § 58-11-9.3, or  
6 for a relative residing in the named insured's household. However, before coverage for a relative  
7 residing in the named insured's household is excluded, it shall first be offered to the insured in  
8 an amount equal to the bodily injury and death coverage requested and declined in writing by the  
9 insured. If the insured elects the coverage, it shall be provided. Policies issued after January 1,  
10 1987, and owners who have purchased such policies are in compliance with this chapter. Date  
11 of compliance does not affect any pending litigation.